

UNITED STATES OF AMERICA :  
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 v. :  
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 ELBERT TOJUAN MCNEILL :  
 a/k/a “Chicken” :

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, pursuant to Fed. R. Crim. P. 36, respectfully requests that the Court issue an amended judgment in this case. In support thereof, the United States shows unto the Court as follows:

1. On August 4, 2020, the Court entered a Preliminary Order of Forfeiture [DE-71] directing “the Clerk of Court to incorporate a reference to the Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.3(b)(4)(B).”

2. On August 3, 2020, the Judgment [DE-73] was rendered without said Order being reflected in the Schedule of Payments on page 8 of the Judgment.

3. Fed. R. Crim. P. 36 provides that “[a]fter giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment.” Rule 36 provides the proper mechanism for the district court to amend the judgment “to

accurately reflect its intention at sentencing to include the forfeiture.” *United States v. Isaacs*, 88 F. App’x 654 (4th Cir. 2004).

WHEREFORE, the United States requests that this Court issue an Amended Judgment incorporating by reference the Preliminary Order of Forfeiture previously entered on August 4, 2020.

Respectfully submitted, this 26<sup>th</sup> day of August, 2020.

ROBERT J. HIGDON, JR.  
United States Attorney

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CERTIFICATE OF SERVICE

I certify that I have on this 26<sup>th</sup> day of August, 2020, served a copy of the foregoing Motion for Issuance of an Amended Judgment upon counsel electronically via ECF:

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